COCHIN LEGISLATIVE COUNCIL.

Tuesday, the *27th November 1934.* / *12th Vrischigam 1110.*

The House met at 11-30 A. M. in the Town Hall, Ernakulam, with M. R. Ry. P. Krishna Menon Avl., in the Chair. Messrs. Barton Wright, K. G. Nayar, S. S. Koder, M. Krishna Menon and K. T. Mathew were absent.

Opening Statement by the President.

President:– Hon'ble Members of the Legislative Council, I have much pleasure in welcoming you all to this the final meeting of this legislative session and I request that in the discharge of the business before the House I may receive your co-operation as I have been so happy to receive hitherto. Now we will take up Questions and Answers.

Questions and Answers.

Ayyaril Karikkulath Mr. Ali Kunji — Allegations against.

31. Mr. K. M. Ibrahim:— Will the Government be pleased to state:—

(a) whether Mr. Challiyil Kunjami Kochu Chakkan has not lodged a petition with the Cranganur Police, making certain allegations against his landlord Ayyaril Karikkulath Mr. Ali Kunji (vide records of the last 5 years only);

(b) whether a copy of the petition will be printed and placed on the table:

(c) a full and detailed account of the nature of the disposal of the petition;

(d) whether the petitioner is now residing in Mr. Ali Kunji's land with exact dates of and reasons for the former's having left their house in the latter's land?

Mr. P. Nilakanta Menon:— (a) No such petition is seen forthcoming.

(b) and (c) Do not arise in view of answer to (a)

(d) He is not living in Mr. Ali Kunji's land now. The exact date on which he left his house and his reasons for doing so are not known.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. K. M. Ibrahim:— Sir, will I be permitted to club questions 31 and 32 with question No. 54?

President:— Yes.

Mr. K. M. Ibrahim:— May I know, Sir, whether any of these instances mentioned in answer to question No. 54, i.e., petitions Nos. 115, 143, 218 and so on, whether that list contains any of the names mentioned in questions 31 and 32?

Mr. P. Nilakanta Menon:— I am sorry I cannot answer that question. These petitions are not here. They are in the Court. Therefore I cannot give an answer off-hand to this question.

Mr. K. M. Ibrahim:— Am I to take it that the Hon'ble Member had no occasion to compare them?

Mr. P. Nilakanta Menon:— Those petitions were received by the Court and not by me.

Mr. K. M. Ibrahim:— My question is whether the Hon'ble Member had any occasion to compare these petitions mentioned in answer to question 54 with those contained in questions 31 and 32.

Mr. P. Nilakanta Menon :— I had no occasion to compare. These were received by the Magistrate and therefore how can I compare them?

Mr. K. M. Ibrahim:— There are some Police petitions also in question No. 54.

Mr. P. Nilakanta Menon :— The answer shows that all the petitions were received by the Court.

Mr. K. M. Ibrahim:— None by the Police?

Mr. P. Nilakanta Menon:— No.

Mr. C. A. Ouseph:— Was any statement called from the Cranganur Police to ascertain whether this Kochu Chakkan has put in a petition at any time?

Mr. P. Nilakanta Menon:— That is answered in the paper that no such petition is forthcoming.

Mr. C. A. Ouseph:— That is perfectly clear to me. I want to know whether a petition from Challiyil Kochu Chakkan has been received by the Police.

Mr. P. Nilakanta Menon:— That was exactly what was put by me and the officer says that no petition was received.

Mr. C. A. Ouseph:— Am I to take it that the Cranganur Police has not at any time during this last 5 years received any petition from this Kochu Chakkan?

Mr. P. Nilakanta Menon:— Yes.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. C. A. Ouseph:— May I further know whether the Commissioner of Police ascertained what were the petitions against Ali Kunji during the last five years?

Mr. P. Nilakanta Menon:— I do not exactly grasp the function of that question. When it is said that no petition has been received what is the necessity for further enquiry?

Mr. C. A. Ouseph:— May I know whether the Government were satisfied when the Cranganur Police reported that no such petition is forthcoming? What am I to understand by the word forthcoming? Does it refer to any birth or creation?

Mr. P. Nilakanta Menon:— It is no birth or creation. It is from the records of the station. There is no delivery going on in the station. He can't remember all these things for the past five years. So he looked into the record room to find out whether any petition has been received during the course of five years. He did not find any.

Mr. C. A. Ouseph:— May I further ask whether the Cranganur Police Officer has asked anybody else to ascertain this matter?

Mr. P. Nilakanta Menon:— He looked into the records. He did not ask anybody.

Mr. C. A. Ouseph:— What I wish to know is why there is no positive answer that there is no petition.

Mr. P. Nilakanta Menon:— It is from the records kept in the station that he found out that no petition was received.

Mr. C. A. Ouseph:— Am I to understand from this that no petition has been put in the police station?

Mr. P. Nilakanta Menon:— Yes.

Mr. C. A. Ouseph:— Does the register at any rate show that such a petition has been put in?

Mr. P. Nilakanta Menon:— I have not pointedly asked the Inspector about this. I must ask again before an answer is given?

Mr. C. A. Ouseph:— Am I to understand from the answer that the records of the police station will show that no such petition has been put in during the last five years?

Mr. P. Nilakanta Menon:— I will just read what the Inspector states. "I have already submitted my report regarding this question. Kochu Chakkan has not put in any petition since 1106." That is clear enough.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. K. M. Ibrahim:— The question is about the last five years.

Mr. P. Nilakanta Menon:— From 1106 it is now five years. If you want to go to previous years I must get information.

Mr. K. M. Ibrahim:— Am I to take it that the Hon'ble Member for Police have no informations regarding petitions to the police and that the instances given in Q. No. 54 do not contain any such petitions at all?

Mr. P. Nilakanta Menon:— They were all received by the Court.

Mr. K. M. Ibrahim:— The question was with regard to the total number of complaints received by the police, magistracy and executive. You ought to have known correctly whether any instance have been brought to the notice of the police.

Mr. P. Nilakanta Menon:— So far as my department is concerned there are other questions which will give information regarding petitions received by the police. These deal with petitions received by courts.

Mr. K. M. Ibrahim:—Was not this question referred to the Hon'ble Member for Police by the Government?

Rama Varmha Tampuran:— Yes.

Mr. K. M. Ibrahim:— What was the reply received?

Rama Varmha Tampuran:— The difficulty is this. I have sent a further reference to the District Magistrate to let me know the contents and details of these miscellaneous petitions. Unfortunately I could not wait till that report is received. I sent him an O. M. but I did not get his reply. This question had to be printed before that. It covers about 12 different items and we have called for further information and if the Hon'ble Member will put a further question with regard to these miscellaneous petitions we will answer them later. With regard to complaints 11 and 12 details are given in the subdivision (c) of that answer.

Mr. K. M. Ibrahim:— May I know why you did not wait for the answer from the District Magistrate?

Rama Varmha Tampuran:— Questions have to be answered every day. They are received late in the office. Otherwise there won't be sufficient number of questions daily to answer. Usually we make cross references to subordinate officers and if the Hon'ble Member puts in a further question

LIBRARY ARCHIVES Kerala Legislative Assembly

we will answer it in the next meeting or we will say here that we have called for further information. If the Member is satisfied with a written answer that will be communicated as soon as that information is received in the office.

Mr. K. M. Ibrahim:— Do the Government expect a reply from the District Magistrate before this meeting is over?

Rama Varmha Tampuran:— I have asked for the report as early as possible. These are all miscellaneous petitions put in the Cranganur Court. The District Magistrate may have again to refer to the Magistrate's Court and get the information.

Mr. K. M. Ibrahim:— Could not the Government have postponed this question until the information is received?

Rama Varmha Tampuran;— We can't. Because the Hon'ble Member had been insisting that all connected questions should be answered on the same day.

Mr. A. Sankara Menon:— Are the Government aware that a criminal complaint by Mr. Ali Kunji for defamation against the Hon'ble Member for Cranganur is pending before a Court of Law?

Mr. K. M. Ibrahim:— Sir, it is not a supplementary question. It is out of order.

President:— You go on.

Mr. A. Sankara Menon:— There are a number of questions here bearing upon the same issue. I am going to point out that these questions are intended for another purpose. After all it is for the purpose of gathering materials for the defence that these questions are put. I want to bring to the notice of the Government that they must withhold information upon these facts. Perhaps Government supplied these informations because they were not aware that a criminal complaint as well as a civil suit is pending against the Hon'ble Member for Cranganur.

Mr. K. M. Ibrahim:— Sir, he can't make such a speech during question time.

Mr. A. Sankara Menon:— Therefore I am bound to bring out these things before the notice of the Government. These questions refer to matters pending before the Court.

Mr. A. Sankara Poduval:— Your point is that the matter is sub-judice. Is it not?

Mr. A. Sankara Menon:— Yes.

Mr. A. Sankara Poduval:— Are the Government aware that the matter is sub-judice?

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. K. M. Ibrahim :— Sir, on a point of order, that is not a supplementary question.

President :— I have ruled that it is.

Mr. A. Sankara Menon :— I understand that a defamation suit is pending before the Court, against him.

Mr. K. M. Ibrahim :— Are not the Government aware that Mr. Sankara Menon is a vakil of Mr. Ali Kunji?

President :— May or may not be. It is not a supplementary question.

Mr. P. Kumaran Ezhuthassan :— Is it the ruling of the Chair that the question put by the Hon'ble Member for Cranganur is not a supplementary question?

President :— Yes.

Mr. K. Ayyappan :— Do the Government know that the subject-matter of these questions are sub-judice?

Mr. Thomas Manjuran :— A question bearing upon a matter pending in a Court of Law will be sub-judice.

Mr. P. Kumaran Ezhuthassan :— Are these questions of this class?

Mr. Thomas Manjuran:— That depends upon whether a judicial matter is now pending on which these questions have a bearing.

Mr. K. Ayyappan :— Were the Government aware that a defamation case was going on in the Court when they answered this question?

Rama Varmha Tampuran :— Government was not aware.

Mr. P. Kumaran Ezhuthassan :— May I know, Sir, whether the answer of the Government is, that these petitions are sub-judice?

Mr. Thomas Manjuran:— In the light of the information now supplied the matter will have to be considered afresh by the Government. Now that information has been brought, if further questions are put, Government will consider before answering them. With regard to this question it is entirely left to the discretion of the Chair.

Mr. P. Kumaran Ezhuthassan :— Sir, my question has not been answered. What is it that the Government says on this question, whether it is sub-judice or not?

Mr. A. Sankara Poduval:— On a point of order, Sir. It is a matter of opinion and no answer can be given on that.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. P. Kumaran Ezhuthassan :— I again stress the point, Sir, whether these are matters sub-judice?

Mr. Thomas Manjuran :— That will depend upon the bearing that these questions have on the pending cases, which again is a matter that has to be examined by the Government, when the question is put to them for answer. This question has been answered to a certain extent without knowing whether the matter is sub-judice. Further answers will depend on the nature of the questions put.

Mr. P. Kumaran Ezhuthassan :— I still press for an answer, Sir.

Mr. K. M. Ibrahim :— Sir, my question was not answered, whether Mr. A. Sankara Menon is the vakil of the client Mr. Ali Kunji.

President :— That is not a supplementary question.

Mr. K. M. Ibrahim :— Then, is the other question put by him relevant?

President :— He was allowed to explain the position to justify his opinion that it was a supplementary question pure and simple. It was not a speech that was delivered by him.

Mr. C. A. Ouseph :— Are we to take it, that it is the opinion of the Government that these questions have no bearing upon the suit?

Mr. Thomas Manjuran :— Up to 5 minutes ago, that was the opinion of the Government.

Mr. C. A. Ouseph :— Do the Government know what is the nature of the proceedings pending in the Court?

Mr. Thomas Manjuran :— It is because of that, that I said that the Government will consider before answering any further questions that may be put to them.

Mr. C. A. Ouseph :— My question is, does the Government know as a matter of fact what is the nature of the proceedings pending in court.

Rama Varma Tampuran :— We do not know.

Mr. P. Kumaran Ezhuthassan :— My previous question I still press. I persist for an answer to my previous question, whether it is the opinion of the Government that these are matters sub-judice.

President :— It has already been answered by the Government that they are not in a position to give a definite answer now.

Mr. K. M. Ibrahim :— What have all these petitions to

LIBRARY ARCHIVES Kerala Legislative Assembly

do with the case pending in the court now. These are all petitions 5 and 6 years' old.

Mr. P. Kumaran Ezhuthassan :— Q. 54(b). May I know whether these petitions have been disposed of by the authorities ?

Mr. P. Nilakanta Menon :— The answer was just given by the Secretary to the Diwan. He said that additional information has been called for from the District Magistrate. So before that is seen we are not in a position to say whether these petitions are disposed of.

32. Mr. K. M. Ibrahim :— Will the Government be pleased to state :—

(a) whether the Cranganur Police did not receive a petition from Mr. Ayyaril Chakkappanchalil Kutti Kammad alleging that he was assaulted by Ayyaril Karikkulath Mr. Ali Kunji (vide records of the last 5 years only) ;

(b) whether a copy of the petition will be printed and placed on the table ;

(c) a full history of the nature of the disposal of the petition with the financial aspect of the same fully brought out?

Mr. P. Nilakanta Menon — :(a) No.

(b) and (c) No reply is necessary in view of answer to (a).

33. Mr. K. M. Ibrahim :— Will the Government be pleased to state whether there was not a complaint or petition before the Cranganur Magistrate from Mr. Adachali Valukutty alleging that his landlord Mr. Ayyaril Karikkulath Ali Kunji, alias Kochu Kunjali Nayna and others, assaulted and belaboured him (vide records of the last 6 years only, particularly 1104 and 1105) ?

Rama Varmha Tampuran :— A petition was received on 22-6-1104, from Edachalil Raman Kunji Valukutty and his son Damodaran requesting that Karikulath alias Ayyaril Kunhu Moideen Ali Kunji and 10 others may be prevented from doing any harm to them.

Mr. K. M. Ibrahim :— May I know, Sir, the rule regarding the destroyal of records ?

Rama Varmha Tampuran :— Petitions have to be destroyed after the period of one year.

Mr. K. M. Ibrahim :— Is there not a register kept to

LIBRARY ARCHIVES Kerala Legislative Assembly